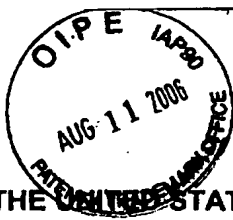


DEP & REF



PATENT MAINTENANCE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2006 AUG 14 PM 3:55

In re U.S. Patent Application

DAVID NIGEL ARMSTRONG

Application Number: 10/525,208

Filed: February 22, 2005

For: A PHARMACEUTICAL COMPOSITION

US PATENT & TRADEMARK
OFFICE Examiner:

Group Art Unit: 1614

Confirmation No.: 5529

Attorney Docket No.: ARMS3001

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for a refund in the amount of \$1,050.00 which was debited from Deposit Account No. 02-0200 on March 28, 2006 under Fee Code/Description 1615 (Claims extra total (PCT)).

Upon review of the file, we note that the claim calculation of the Patent Office was incorrect in that it was based on the claims presented in the specification as filed (the PCT publication), when the claim calculation should have been based on the claims as presented in the Preliminary Amendment filed concurrently therewith. The extra claims fee was submitted upon filing, as evidenced by the attached copies, in accordance with the claim totals of the Preliminary Amendment.

The Patent Office is requested to credit the debited amount of \$1,050.00 to Deposit Account No. 02-0200 and acknowledge receipt of this paper in the next official communication.

Respectfully submitted,
BACON & THOMAS, PLLC

By:


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Date: August 11, 2006

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

Form PTO-1390

**Transmittal Letter to the United States
Designated/Elected Office (DO/EO/US)
Concerning a Filing Under 35 USC 371**

Applicant's Docket Number

NIGES001

U.S. Application Number (if known)

International Application Number

PCT/GB2003/003692

International Filing Date

22 August 2003

Priority Date Claimed

26 August 2002

Title of Invention

A PHARMACEUTICAL COMPOSITION

Applicant(s) for DO/EO/US

David Nigel ARMSTRONG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. ☒ The U.S. has been elected (Article 31).
5. ☒ A copy of the International Application as filed 35 USC 371(c)(2).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 USC 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)). (☐ Executed ☐ Unexecuted)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.
18. ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English translation of the international application under 35 U.S.C. 154(d)(4)
20. ☒ Other items or information: **WO 2004/017962A3, IPER, Citations D1, D2, D3, D4**